

Preliminary DECISION MEMO

2021 Fishing Outfitter and Guide Special Use Permit Reissuance

USDA FOREST SERVICE - Deschutes National Forest

Crescent Ranger District

Klamath and Deschutes County, Oregon

The Crescent Ranger District is considering issuing two separate eight-year Fishing Outfitter & Guide Special Use Permits to John Elder Fishing Guide Service and Todd Logans Guide Service. The Special Use Permits will authorize use to provide to the public (for a fee) these two different Fishing Outfitting and Guiding Services on the following lakes, Crescent, Odell and/or Davis located on the Crescent Ranger District. The eight-year permit brings them in line with the ten-year permit length that is allowable based on their past two years of acceptable performance. Their access to the three lakes will be from public boat launches (Figure 1). Seasonal closures pertaining to boat launches would be applicable. Overnight trips would be allowed but must use established campgrounds or other accommodations as dispersed camping would not be authorized under issuance of their special use permit. Access to these locations listed above is by public roads. Users are required to comply with any recreation fee collection programs. Season of Use would be limited to applicable fishing season as regulated by the Oregon Department of Fish & Wildlife. There is no ground disturbing work required, this is an administrative process to renew these three special use permits.

The project is located in Klamath County, Oregon, with a legal description is Crescent Lake Boat Launch T: 24 S, R: 6 E, S: 14; Princess Creek Boat Launch T: 23 S, R: 6 E, S: 10; West Davis Boat Launch T: 23 S, R: 7 E, S: 11; Lava Flow Campground T: 23 S, R: 7 E, S: 32, Willamette Meridian.

Reason for Categorical Exclusion and Findings

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

Category of Exclusion

The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e)(15). This category is appropriate because the project involves *"Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are not changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization."*

Relationship to Extraordinary Circumstances

In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

- Wildlife: It is anticipated that these projects would have "No Effect" to any threatened or endangered species and "No Impact" to any R6 Sensitive wildlife species. A Biological

Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.

- **Plants:** It is anticipated that these projects would have “No Effect” to any threatened or endangered plant species and “No Impact” to any R6 Sensitive plant species.
- **Fisheries:** It is anticipated that these projects would have no disturbance or effect to fisheries as a result of this decision and thus no fisheries Biological Evaluation (BE) would be needed.

2. Flood plains, Wetlands, or Municipal Watersheds

Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.

- This project would have no effect to either floodplains or wetlands.
- There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

3. Congressionally Designated Areas Such as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers, and National Recreation Areas

There are no Wilderness, Wilderness Study Areas, or National Recreation Areas within or adjacent to the project. The nearest Wilderness is Diamond Peak Wilderness located approximately 0.08 of a mile from Odell Lake. There are no activities associated with these two fishing O &G in the Wilderness.

Crescent Lake is Boat launch is adjacent to the Crescent Creek Wild and Scenic River corridor. All activities associated with these two O&G SUP will remain outside the Wild and Scenic Corridor. The Oregon Cascades National Recreation Area (OCRA) is approximately three miles across the lake from the Crescent Lake Boat Launch. There are no activities associated with the two fishing O&G s in the OCRA.

4. Inventoried Roadless Areas (IRAs) or Potential Wilderness Areas

There are no inventoried roadless areas in or near the project area. Maiden Peak IRA is the nearest inventoried roadless area is approximately 0.15 miles to the north of Odell Lake on the north side of Highway 58.

There are no Potential Wilderness Areas that meet the criteria of Forest Service Handbook 1909.12 Chapter 70 (71.1) within the project area.

5. Research Natural Areas

There are no Research Natural Areas within or adjacent to the project areas. Gold Lake Bog Research Natural Area is approximately three miles to the northwest of Odell Lake on the Willamette National Forest.

6. 7. American Indian and Alaska Native religious or Cultural Sites, Archaeological Sites, or Historic Properties of Areas

Consultation for this project would be covered under the 2003 Programmatic Agreement for the State of Oregon and a final determination of compliance with Section 106 of the National Historic Preservation Act, including any required field surveys, would be completed before issuance of a final decision memo.

Based on the conclusions regarding the effect to the resource conditions listed above and the known information at this time, it is likely that the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

Public Involvement

Public scoping and Tribal consultation are being conducted in conjunction with the release of this preliminary Decision Memo.

Consistency with Deschutes Land and Resource Management Plan

This project would be consistent with direction found in the Deschutes National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan. Biological Evaluations are being prepared for Sensitive, Threatened, and Endangered animal and plant species and will be located in the project file at the Crescent Ranger District. Also, the project will meet all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

Survey and Manage

This proposed action will comply with the Northwest Forest Plan as amended by the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. Pre-disturbance surveys will be conducted and site management applied consistent with the January 2001 species list.

Implementation Date/Conditions Related to Implementation

Both special use authorizations are scheduled for reissuance by early Spring 2021.

The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

Botanical

- To prevent the introduction of aquatic invasive species, all Forest Service employees, volunteers, permit holders, and contractors are required to have clean equipment and gear (watercraft, boots, waders, etc.) prior to entering any wetland or waterway. It is recommended that aquatic gear be rinsed and sterilized (with a chlorine bleach solution or a commercial disinfectant) as a preventive measure against the introduction of aquatic microorganisms.
- To avoid the potential transport of aquatic invasives, Forest Service employees, volunteers, permit holders, and contractors shall rinse and drain all watercraft, and remove mud and debris from boots, wading gear, and equipment prior to leaving an aquatic site.
- All plants, animals, fish, and mud will be removed from boats, trailers and other equipment and disposed of in suitable trash container on land.
- All water will be drained from live wells, bilge, ballast tanks, and any other locations before leaving each launch site.
- It is recommended that boats, trailers, and equipment be dried after use.
- Any unused bait will be disposed of in trash containers on land.
- No dumping of live fish, bait, or other organisms into any lake or stream.

Wildlife/Fisheries

- Overnight trips would be allowed but must use established campgrounds.
- Dispersed camping would not be authorized under these Special Use Permits.
- Season of use would be limited to applicable fishing season as regulated by the Department of Fish and Wildlife (currently Crescent and Davis Lakes are open year-round for fishing but there is a season closure on Odell Lake).

Soils/Hydrology/Transportation

- All refueling and storage of equipment will occur more than 25 feet from water.
- Equipment operators/operations will have a spill kit on site of sufficient size to clean up and prevent further contamination.
- Forest Service will be informed of any observed petroleum spills.
- For any forest system road related activities please contact the Crescent Ranger District's Road Manager/Transportation Planner at (541) 433-3254 at least 10 working days prior to the proposed activities. Issuance of a road use permit may be required.

Mitigation Measures

- Seasonal closures pertaining to boat launches and campgrounds would be applicable.
 - North Lava Flow Boat Launch/Campground has an established closure from: January 1 through August 31 for bald eagle.

Best Available Science and Conclusion

My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

How to Comment and Timeframe

Your comments about the proposed actions or other concerns are welcome and would be considered in the decision. They would be most helpful if received by February 26, 2021. Comments can be submitted to the address on the header of this letter, or by email to: comments-pacificnorthwest-deschutes-crescent@usda.gov. Written or oral scoping comments should include your name, address, and telephone number (if available). Include the title of the project (2021 Fishing Outfitter and Guide Special Use Permit Issuance).

The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excludedunder the National Environmental Policy Act [NEPA]." As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

This letter/notice also serves as an invitation to participate in the Forest's National Historic Preservation Act, Section 106 process for the project.

Administrative and Appeal Rights

The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes "shall not apply to any project or activity implementing a land and resource management plan ... that is categorically excludedunder the National Environmental Policy Act [NEPA]." As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

Contact Information

For additional information concerning this project, contact Meria Page, Special Uses Administrator, at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, or by phone at (541) 433-3200, or at meria.page@usda.gov.

Responsible Official

The Responsible Official will be the District Ranger, Crescent Ranger District, Deschutes National Forest.

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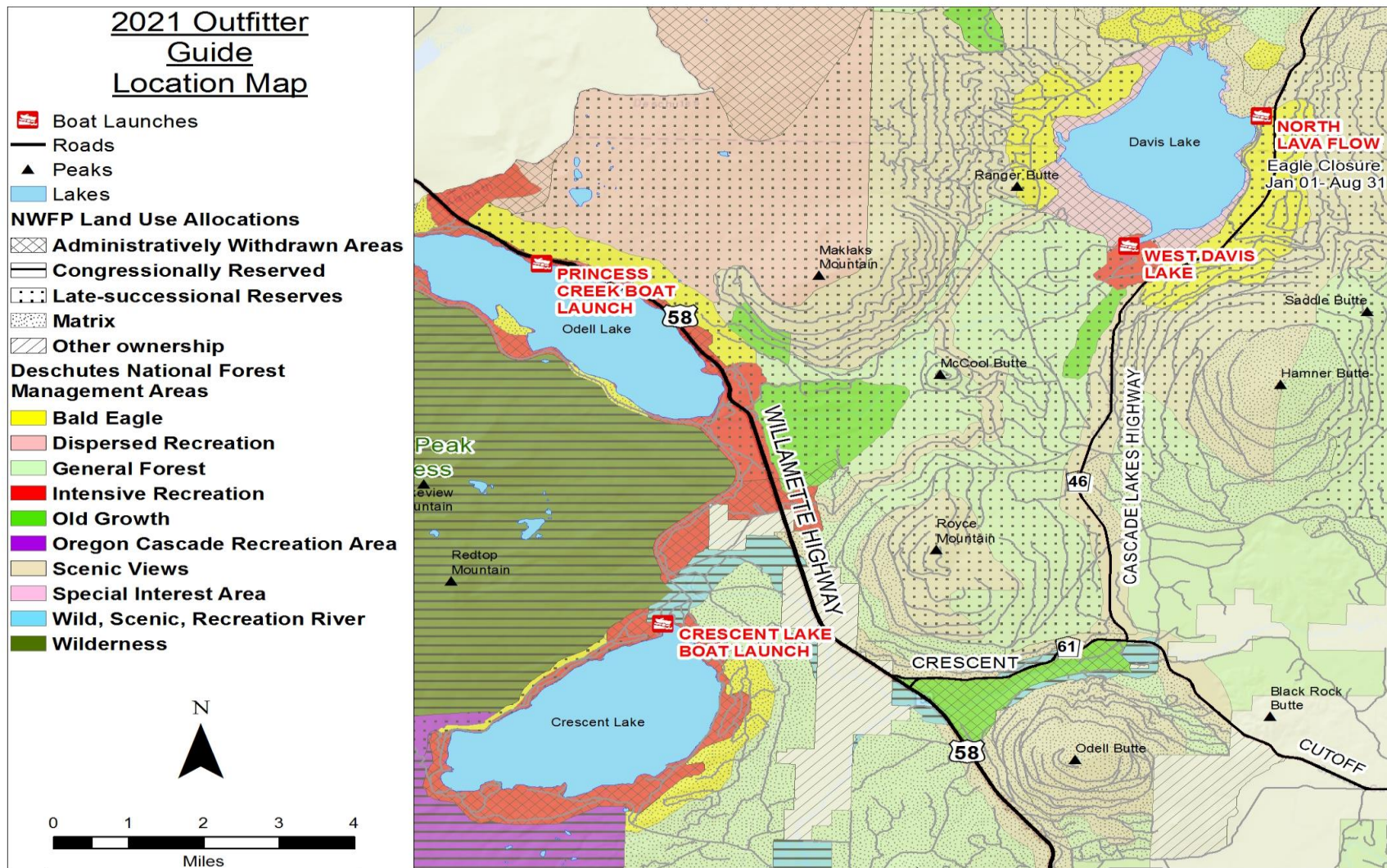


Figure 1. Four Public Boat Launches to be Used by the Two Fishing Outfitter and Guides